

**ASSENTED-TO MOTION TO EXTEND TIME TO ANSWER**

1. Plaintiff filed its Complaint in this case on September 30, 2022.
2. Defendant filed its Motion to Dismiss on December 5, 2022.
3. Plaintiff filed its Objection to Defendant's Motion to Dismiss on January 18, 2023.
4. Defendant filed its Reply to Plaintiff's Objection to Defendant's Motion to Dismiss on February 15, 2023.
5. Plaintiff filed its Sur-reply to Defendant's Reply on February 21, 2023.
6. A hearing on Defendant's Motion to Dismiss was held on April 25, 2023.
7. On August 15, 2023, the Court issued an Order granting in part and denying in part Defendant's Motion to Dismiss.
8. Defendant's Answer to Plaintiff's Complaint is currently due August 29, 2023.

9. Defendant needs a modest amount of additional time to answer Plaintiff's Complaint.

10. Defendant requests a 10-day extension to file its Answer, which would make its new deadline September 8, 2023.

11. Defendant asserts there is good cause for the extension.

12. Plaintiff assents to the requested relief.

13. The requested extension will not prejudice either party.

14. No separate memorandum of law is necessary due to the discretionary relief sought, and Plaintiff's assent.

WHEREFORE, Defendant respectfully requests that the Court issue an Order:

- A. Extending the date for Defendant to file its Answer to Plaintiff's Complaint to September 8, 2023; and
- B. Grant such other relief the Court deems just and proper.

Dated: August 25, 2023

Respectfully Submitted,

International Business Machines Corporation,

By Its Attorneys,

/s/ Robert R. Lucic

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**CERTIFICATION**

I hereby certify that on August 25, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Robert R. Lucic

Robert R. Lucic (Bar No. 9062)